hereinbefore mentioned, shall be such as are required by the Speaker of the

House of Representatives.

Any of the employes may be excused by the Speaker for causes deemed by him sufficient, provided further that any employe who shall absent himself without leave shall not receive any compensation for the time missed during said absence. The salaries of the employes shall begin when they are instructed to begin work by the Speaker.

Signed-Poage, Farrar, Teer.

The resolution was read second time and was adopted.

ADJOURNMENT

On motion of Mr. Barron, the House, at 5:45 o'clock p. m., adjourned until 2 o'clock p. m. tomorrow.

SECOND DAY.

(Wednesday, January 12, 1927.)

The House met at 2 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called, and the following

members were present:

Acker. Forbes. Albritton. Foster. Alexander. Fuchs. Anderson. Gates. Avis. Gibson. Barnett. Gilbert. Barron. Graves. Gray. Bass. Bateman. Hagaman. Beck. Hall. Black. Harding. Boggs. Harman. Bonham. Hefley. Boon. High. Branch. Holder. Brown. Holland. Conway Hornaday. Cornwell. Jacks. Cox. Johnson. Cummings. Jones. Dale. Justice. Daniel. Kayton. Davis. Kemble. Denman. Kennedy. Dielmann. Kenyon. Dunlap. Kincaid. King of Hopkins. Durham. Duvall. King Eickenroht. of Throckmorton. Enderby. Kinnear. Farrar. Kirby. Faulk. Kirkland. Finlay. Kittrell. Fly. Land.

Lipscomb. Shirley. Loftin. Simmons. Long. Sinks. Loy. Smith McCombs. of Atascosa. McGill. Smith of El Paso. Smith of Nueces. McKean. Masterson. Smith of Smith. Merritt. Smyth. Snelgrove. Minor. Moore. Stell. Montgomery. Stevenson. Morse. Storey. Moursund. Stout. Murphy. Sutton. Swain. Nabors. Nicholson. Taylor. Olsen. Teer. Tillotson. Parish of Runnels. Parrish of Travis. Turner. Pavlica. Van Zandt. Pearce. Veatch. Petsch. Walker. Poage. Wallace Pope. of Freestone. Wallace Porter. Powell. of Panola. Ramsey. Wallace of Smith. Rawlins. Ware. Renfro of Angelina Wassell. Renfro of Mills. Webb. Rogers of Hays. Wells. Whitaker. Rogers of Shelby. Williams of Sabine. Rowell. Williams Runge. Sanders. of Travis. Satterwhite. Williamson. Shaver. Woodall. Shearer. Woodruff. Sheats. Young.

Absent.

Bird. Reagan. Snelgrove. Waddell.

Absent—Excused.

DeBerry. Pool. Purl.

A quorum was announced present. Prayer was offered by Rev. J. C. Mitchell, Chaplain.

LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Pool for today and the balance of the week, on motion of Mr. Powell.

Mr. Turner for yesterday, on motion of Mr. Bonham.

The following members were granted leaves of absence on account of illness:

Mr. DeBerry for today, on motion of Mr. Jacks.

Mr. Purl for yesterday and today on account of death in his family, on motion of Mr. Jacks.

HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as tollows:

By Mr. Teer, Mr. Petsch, Mr. Webb, Mr. Cox, Mr. Sheats, Mr. Montgomery, Mr. Daniel, Mr. Kemble, Mr. Lipscomb and Mr. Kinnear:

H. B. No. 1, A bill to be entitled "An Act providing for the relocation of the State Prison System and for the disposition and acquisition of necessary property to effectuate the purpose of this act; authorizing the erection of the necessary buildings and improvements and the acquisition of the necessary equipment and facilities to erect, establish and operate a modern fireproof prison system; prescribing certain elements or units of a prison system to be erected and established; providing for the proper employment of the prisoners; providing for the acquisition of assistance and information in reference to the relocation, construction and operation of said prison system; repealing any prior law authorizing the relocation or removal of the State Prison System or the sale of any land owned by said prison system; making an appropriation to carry out the purposes of this act, and declaring an emergency.'

Referred to Committee on Peniten-

By Mr. Teer, Mr. Petsch, Mr. Webb, Mr. Sheats, Mr. Montgomery, Mr. Daniel, Mr. Cox, Mr. Kemble, Mr. Kinnear and Mr. Lipscomb:

H. B. No. 2, A bill to be entitled "An Act abolishing the Board of Prison Commissioners of the State of Texas and creating the Texas Prison Board; prescribing the duties, powers, functions and compensation thereof; providing for the operation, management and control of the prison system of this State by said board; providing for a manager to be selected by said board for said prison system, and providing all necessary matters and things incidental to the purpose of this act; making an appropriation to carry out the purposes of this act, and declaring an emergency."

Referred to Committee on Penitentiaries. By Mr. Webb:

H. B. No. 3, A bill to be entitled "An Act to agree to the provisions of Section VII of an Act of Congress of the United States and approved June 18, 1926, entitled 'An Act to provide for the storage of the waters of the Pecos River,' and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Harman:

H. B. No. 4, A bill to be entitled "An Act to add a new article to Chapter 13, Title 49, Revised Civil Statutes, 1925, to be numbered 2867a; repealing all special laws governing legislative independent school districts having fewer than 500 scholastics, except the boundaries set forth in such special laws; placing all such districts under the general laws governing incorporated school districts, and declaring an emergency." Referred to Committee on Education.

By Mr. Harman:

H. B. No. 5, A bill to be entitled "An Act fixing a maximum portion of the thirty-five cent ad valorem school tax to be used for purchase and distribution of free textbooks, and declaring an emergency."

Referred to Committee on Education.

By Mr. Montgomery and Mr. Hornaday:

H. B. No. 6, A bill to be entitled "An Act providing for the redemption of property sold under a judgment for taxes levied by any district organized under the laws of the State of Texas, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Montgomery and Mr. Hornaday:

H. B. No. 7, A bill to be entitled "An Act prohibiting the sale, offer for sale and exposing for sale, within this State, for human consumption, and the transportation and delivery to any common carrier for transport within this State, of diseased, immature, unripe, over-ripe or frost damaged oranges, lemons, grapefruit or other citrus fruits; or any oranges, the juice of which shall contain more than one and three-tenths per centum, by weight, of crystallized citric acid; or any grapefruit, the juice of which shall contain mere than one and three-fourths per centum, by weight, of crystallized citric acid; or any misbranded citrus fruit; defining the offense of misbranding citrus fruit; prescribing the powers of the Commissioner of Agriculture with regard to the provisions of this act; making his official certificate admissible in evidence in proof of certain facts; and fixing a penalty for violation of the provisions of this act, and declaring an emergency."

Referred to Committee on Public

Health.

By Mr. Harman:

H. B. No. 8, A bill to be entitled "An Act to amend Article 2757, Revised Statutes of 1925, relating to formation of independent school districts, and declaring an emergency."

Referred to Committee on Education.

By Mr. Harman and Mr. Durham:

H. B. No. 9, A bill to be entitled "An Act to provide means and methods for the collection of delinquent and insolvent taxes, penalties and interest thereon, and other moneys and taxes due the State, counties and school and other districts, and for the correction, completion and perfection of the tax assessments rolls and records of the State and counties, and more fully to prescribe the duties of the Comptroller of Public Accounts and other State officers, tax collectors, tax assessors, district and county attorneys in reference thereto, and vesting in said Comptroller certain powers in respect thereto; and providing for compensation for those engaged by said Comptroller by contract for the more efficient accomplishment of said purposes; repealing all laws in conflict with the provisions of this act, and declaring an emergency."

Referred to Committee on Revenue

and Taxation.

By Mr. Petsch and Mr. Dale:

H. B. No. 10, A bill to be entitled "An Act providing for notaries public in this State, their appointment, qualifications, bond, tenure, duties, functions and liabilities, records and equipment; providing for fees; defining offenses; prescribing penalties and providing other things essential and incidental to the subject and purpose of this act; repealing Title 99 of the Revised Civil Statutes of 1925, relative to notaries public; providing for the keeping and preservation of records of notaries and the furnishing of books, records and forms necessary under this act, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Rogers of Shelby:

H. B. No. 11, A bill to be entitled "An Act to create Road District Number Four (4) of Shelby county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating the authorization, issuance and sale of certain bonds thereof, dated August 11, 1919, and numbered 171 to 210, inclusive, and also the bonds of said district, date ! October 10, 1923, and numbered respectively from 1 to 50, inclusive, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes, on all taxable property in said road district; approving and validating all orders of the commissioners court of said county in respect of said designated road district bonds, but none others, and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency."

Referred to Committee on Highways

and Motor Traffic.

By Mr. Pool:

H. B. No. 12, A bill to be entitled "An Act to amend Chapter 5, Title 85, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding a new article thereto, following Article 5400, to be known as Article 5400a, authorizing the locator or owner of a mine or mining claim to connect the same by an aerial tramway with the nearest smelter or nearest line of railroad, and to purchase or condemn a right of way therefor upon certain conditions, and declaring an emergency."

Referred to Committee on Oil, Gas

and Mining.

By Mr. Petsch and Mr. McGill:

H. B. No. 13, A bill to be entitled "An Act amending Article 47 of the Penal Code of the State of Texas of 1925, so as to properly define the word 'offense,' the word 'felony' and the word 'misdemeanor,' prescribing what is and is not a capital felony, and declaring an emergency."

Referred to Committee on Criminal

Jurisprudence.

By Mr. Nabors:

H. B. No. 14, A bill to be entitled "An Act to amend Articles 1256, 1257 and 1264, Title 15, of the Revised Penal

Code of the State of Texas, as adopted by the Thirty-ninth Legislature in 1925, which relate to the offense of murder, by eliminating therefrom all matters relating to the offense of manslaughter and changing the penalty for murder to cover the period of time formerly covered by statutes relating to manslaughter, and adding thereto additional articles making admissible on trial for murder certain evidence that was formerly admissible under statutes relating to manslaughter."

Referred to Committee on Criminal Jurisprudence.

By Mr. Nabors:

H. B. No. 15, A bill to be entitled "An Act repealing Chapter 15, Title 15, of the Penal Code of the State of Texas, as adopted by the Thirty-ninth Legislature in 1925, and that part of any other law of the State of Texas which relates to the offense of manslaughter, and abolishing the offense of manslaughter."

Referred to Committee on Criminal Jurisprudence.

By Mr. Nabors:

H. B. No. 16, A bill to be entitled "An Act amending Sections 10, 16 and 17, of Chapter 24. of the Special Laws of the State of Texas, approved March 5, 1913, and passed by the Thirty-third Legislature, relating to the road system of Hamilton county, by changing the minimum age of persons required to work the roads from eighteen to twenty-one, and changing the amount of indebtedness that can be created in road matters, and changing the compensation of the road supervisors."

Referred to Committee on Highways and Motor Traffic.

By Mr. Daniel:

H. B. No. 17, A bill to be entitled "An Act to amend Articles 2688 and 2700, Revised Statutes of 1925, pertaining to the creation of the office of the county superintendent of schools and providing salary and office and traveling expenses; repealing all laws, both general and special, in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Daniel:

H. B. No. 18, A bill to be entitled "An Act to define, regulate and license real estate brokers, real estate agents and real estate salesmen within the State of Texas; to create a State Board of Examiners to operate in conjunction against said Motley County Railway Company or such trustee, before the

with the office of the Commissioner of the General Land Office, and providing for the appointment of such examiners and fixing their qualifications, compensation and tenure of office; and providing certain qualifications of real estate brokers, real estate agents and salesmen before receiving license; and pro-viding for certain license fees to be paid by each applicant for real estate license; and also providing for the giving of a bond for the protection of the public from fraud and misrepresentation by such real estate broker, salesman or agent; and providing for the revoking of license by the State Board of Examiners and stating the grounds for such action; and providing for notice and the right of review by an applicant to whom a license is refused or whose license is revoked; and to provide a penalty for violation of the provisions hereof; repealing all laws in conflict herewith; and providing that the invali-dation by the courts of any section or provision of this act shall not invalidate any other provision hereof, and declaring an emergency."

Referred to Committee on State Af-

fairs.

By Mr. Land:

H. B. No. 19, A bill to be entitled "An Act ratifying and confirming the sale under execution heretofore made of the Motley County Railway, its properties, rights and franchises to G. E. Hamilton, trustee for the Quanah, Acme and Pacific Railway Company; authorizing the transfer and conveyance by such trustee of such Motley County Railway, its properties, rights and franchises to the Quanah, Acme and Pacific Railway Company; and granting authority to the Quanah, Acme and Pacific Railway Company to acquire and own such railway, its properties, rights and franchises and to consolidate said Motley County Railway, its properties, rights and franchises with the Quanah, Acme and Pacific Railway and maintain and operate the consolidated properties as one line of railway under the name and style of Quanah, Acme and Pacific Railway Company; provided, such sale and transfer shall be made subject to all legal claims, debts, judgments, liens and other obligations now existing or that may hereafter be filed or instituted against said Motley County Railway Company, or such trustee, and subject to pending suits or actions, or suits or actions that may be hereafter brought against said Motley County Railway

final consolidation of said railways has been effected, and declaring an emer-

Referred to Committee on Common

Carriers.

By Mr. Williams of Travis:

H. B. No. 20, A bill to be entitled "An Act to prevent fraud, misrepresentation or unfair practices in the sale of merchandise or other property by means of a plan commonly known as the 'endless chain', imposing an occupation tax, fixing penalty and declaring an emergency.

Referred to Committee on Revenue

and Taxation.

By Mr. Williams of Travis:

H. B. No. 21, A bill to be entitled "An Act to amend Article 7216 of the Revised Statutes of 1925, so as to provide that assessors of taxes and members of boards of equalization shall be liable to the State and county for taxes lost by knowingly accepting property for taxation for less than its value, and fixing venue of suits thereof."

Referred to Committee on Revenue

and Taxation.

By Mr. Williams of Travis:

H. B. No. 22, A bill to be entitled "An Act to amend Articles 603 and 604 of Title 20, Chapter 1, Revised Statutes, 1925, and adding to said Title 20 another chapter, providing for efficiency tests and examinations of appointive officers and employes of the State of Texas; regulating such tests and examinations and providing for fixing the compensation of such employes, and repealing all laws in conflict."

Referred to Committee on State Af-

By Mr. Williams of Travis:

H. B. No. 23, A bill to be entitled "An Act to amend Article 7335, Revised Statutes of 1925, so as to authorize making of contracts for the collection of delinquent State and county taxes, fixing the venue of suits, and declaring an emergency."

Referred to Committee on Revenue

and Taxation.

By Mr. Williams of Travis:

H. B. No. 24, A bill to be entitled "An Act to amend Section 1, of Chapter 165 of the Acts of the Thirty-ninth Legislature of the State of Texas, being an act to relinquish, quitclaim and grant unto all incorporated cities and towns that have a population of thirtyfour thousand inhabitants, or more, all

of the beds and channels, and also all of the abandoned beds and channels, of all rivers, streams and other channels that are now or that may hereafter be within the present or future corporate limits of such incorporated cities and towns in so far as the beds and channels and such abandoned channels of such rivers, streams, and other channels may be owned or claimed as the property of the State; and declaring an emergency."

Referred to Committee on Municipal

and Private Corporations.

By Mr. Williams of Travis:

H. B. No. 25, A bill to be entitled "An Act to amend Chapter 2, of Title 122, Revised Civil Statutes of 1925, by adding thereto another article to be numbered 7079a, providing for collection of delinquent occupation, production and gross receipts taxes by contract, fixing compensation, and declaring an emergency."

Referred to Committee on Revenue

and Taxation.

By Mr. Jacks:

H. B. No. 26, A bill to be entitled "An Act defining certain words and phrases; vesting in the Railroad Commission of Texas power and authority to fix and prescribe the rates, rules, regulations and practices of certain persons and corporations engaged in a public utility service in Texas; including every person or corporation owning, leasing or operating any plant, property, equipment or facility defined in this act as 'public utility' or 'utility'; authorizing the Commission to establish a system of accounts for public utilities and to require the keeping of separate accounts, respecting various phases of their business, and fixing rules and regulations with respect thereto."

Referred to Committee on Municipal

and Private Corporations.

ADOPTING JUNIOR MASCOT.

Mr. Stout offered the following resolution:

Whereas, The Hon. George Purl of Dallas is the proud father of a cherub, towit, a baby girl; therefore be it

Resolved, That the Hon. George Purl's daughter, Patricia Purl, be elected Girl

Mascot of the House.

The resolution was read second time and was adopted.

OATH OF OFFICE ADMINISTERED.

The Speaker appointed Mr. Kayton and Mr. Kinnear as a committee to escort Hon. Henry A. Turner, Representative-elect from the Fifty-sixth Representative District, to the Speaker's stand in order that the constitutional oath of office might be administered to him.

The committee having performed their duty, Speaker Bobbitt then administered the constitutional oath of office to him.

EMPLOYES ANNOUNCED.

The Speaker announced the appointment of the following employes of the House:

Private Secretary to Speaker, Miss Oveta Culp.

Stenographer to Speaker, Miss Maude Nowlin.

Porter for Speaker, Joe Kemble.

Assistant to Chief Clerk, Miss Louise Snow.

Assistant to Journal Clerk, Miss Gussie Evans.

Assistant to Calendar Clerk, Miss Gladys Nichols.

Head Clerk for Engrossing Division of Bills, Mrs. Bess Beeman.

Head Clerk for Enrolling Division of Bills, Mrs. Ida C. Ewing.

Page to Mr. Van Zandt, R. Carlton

Burnam.
Page to Mr. DeBerry, Luther Howi-

Chief Operator for Voting Machine, Lawrence Ledbetter.

Temporary stenographers—Virgie Thorp, Bess Woods, Bernice Spiller, Genevive Koch, Lorna Hatch, Bess Minter, Mrs. Anita Peterson, Edith Bibolet, Pearl Williams, Helen Young, Mrs. Jack Jackson, Leone E. Anderson, Mrs. J. E. Crosby and Ruth Cowie.

TEMPORARY COMMITTEE ON RULES.

The Speaker announced the appointment of the following temporary Committee on Rules:

Messrs. Young, chairman; Nicholson, vice-chairman; Wallace of Freestone, Van Zandt and McCombs.

INVITING HON, RICHMOND PEAR-SON HOBSON TO ADDRESS THE HOUSE.

Mr. Kittrell offered the following resolution:

Whereas, The Hon, Richmond Pearson Hobson, here of the Spanish-American War, who sank the Merrimac during a rain of shot and shell from the Spanish fort, is to lecture at the University Baptish Church in Austin Friday evening, January 14th; and

Whereas. He is recognized as one of the foremost lecturers on the American platform and his lecture on law enforcement entitled "The Crisis" is of great importance to the public at this time; therefore, be it

Resolved by the House of Representatives of the Fortieth Legislature, That the Hon. Richmond P. Hobson be invited to address this House at such time as will suit his convenience and that the public be invited to attend this lecture.

Resolved further, That the Chief Clerk of the House be instructed to wire this invitation to the Hon. Richmond P. Hobson and to advise the House of Mr. Hobson's reply to this invitation.

Signed-Kittrell, Brown, Poage.

The resolution was read second time and was adopted.

(Mr. Satterwhite in the chair.)

INVITING MEMBERS TO ATTEND MEETING IN HONOR OF GEN-ERAL ROBERT E. LEE.

The Speaker laid before the House, and had read, the following communication:

Austin, Texas, January 12, 1927.

Dear Mr. Bobbitt: I have been requested by a committee from the Local Chapter of the United Daughters of the Confederacy to ask you to do them the courtesy of announcing to the House that there will be held in the Senate Chamber on the night of January 19th, at 7:30 p. m., a meeting to commemorate the hundred and tenth anniversary of the birth of Robert E. Lee to which all members of the House are invited. There will be vocal and instrumental music and a few brief addresses appropriate to the occasion.

I suggested that you make the announcement which they requested me to make but which I felt a delicacy in making because I am expected to make one of the addresses.

Yours very cordially, NORMAN G. KITTRELL.

MESSAGE FROM THE SENATE.

Senate Chamber, Austin, Texas, January 11, 1927. Hon. Robert L. Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 1, Adopting Joint Rules of Thirty-ninth for Fortieth Legisla-

S. C. R. No. 2, Providing for a joint committee to count votes cast for Governor and Lieutenant Governor.

Respectfully,
MORRIS C. HANKINS,
Assistant Secretary of the Senate.

TO ARRANGE FOR COUNTING THE VOTES FOR GOVERNOR AND LIEUTENANT GOVERNOR

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 2, To arrange for counting the votes for Governor and Lieutenant Governor.

Resolved by the Senate of Texas, the House of Representatives concurring, That the President of the Senate appoint five Senators and the Speaker of the House of Representatives appoint five members of the House of Representatives to count votes in the recent election for Governor and Lieutenant Governor, and to make all necessary arrangements for their inauguration.

The resolution was read second time

and was adopted.

In accordance with the above action, the Speaker announced the appointment the following committee on the part of the House:

Messrs. Petsch, chairman; Parrish of Travis, Stout, Shaver and Satterwhite.

SENATE NOTIFIED.

The committee appointed to notify the Senate that the House is now organized and ready for the transaction of business appeared at the bar of the House and, being duly announced, stated that they had performed the duty assigned them:

GOVERNOR NOTIFIED.

The committee appointed to notify the Governor that the House is now organized and ready for the transaction of business appeared at the bar of the House and, being duly announced, stated that they hall performed the duty assigned them."

SENATE CONCURRENT RESOLU-TION ON FIRST READING.

The following Senate concurrent resolution was laid before the House, read first time, and referred to the appropriate committee as follows:

S. C. R. No. 1, to the Committee on Rules.

(Speaker in the chair.)

ADJOURNMENT.

On motion of Mr. Wallace of Freestone, the House, at 3 o'clock p. m., adjourned until 2 o'clock p. m. tomorrow.

THIRD DAY.

(Thursday, January 13, 1927.)

The House meet at 2 o'clock p. m., pursuant 'to adjournment, and was called to order by Speaker Bobbitt."

The roll was called, and the following members were present:

Holder. Acker. Albritton. : Holland. Alexander. Hornaday. Anderson. Jacks. Avis. · Johnson. Barnett. Jones. Justice. Barron. Bass. Kayton. Kemble. Bateman. Beck. Kennedy. Black. Kincaid. Bobbitt. King of Hopkins. King of Throckmorton. Boggs. Bonham. Boon. Kinnear. Branch. Kirby. Brown. Kirkland. Conway Kittrell. Cornwell. Land. Covey. Lipscomb. Cox. Loftin. Cummings. Long. Dale. Loy. McCombs. Daniel. Davis. McGill. " DeBerry. McKean. Denman. Masterson. Dielmann. Merritt. ... Dunlap. Minor. Durham. Moore. Duvall. Montgomery. Eickenroht. Morse. Enderby. Moursund. Farrar. Murphy. Faulk. Nabors. Finlay. Nicholson. Olsen. " Fly... Parish of Runnels. Forbes. Fuchs. Parrish of Travis. Pavlica. Gates. Gibson. Pearce. Gilbert. Petsch. Graves. Poage. Gray. Poper Hagaman. Porter. Hall. Powell. Harding. Purl. Harman. Ramsey. Hefley. Rawlins. High. Reagan.